



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

December 10, 2024

BY ECF

The Honorable John P. Cronan
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *United States v. Brightman*, 23 Cr. 642 (JPC)

Dear Judge Cronan:

The Government writes with respect to sentencing in this matter, which is scheduled for December 20, 2024. The defendant's submission, which was filed last night, disputes a number of significant aspects of the defendant's conduct that are described in the December 6, 2024 Presentence Investigation Report ("PSR"). (See Dkt. No. 42-1). For example, the PSR describes how the defendant threw a glass bottle at Victim-4, chased her into her bedroom, held her onto her bed, choked her, told her he was going to kill her, and only left the apartment once Victim-4's friend—whom Victim-4 had been discreetly texting for help—arrived. (See PSR ¶¶ 38–42). The defendant's submission, however, asserts that the defendant

objects to these allegations except admits that during an argument on September 28, 2023 at Complainant 4's apartment, Mr. Brightman picked up a vinegar bottle and threw it at Complainant 4. Complainant 4's allegations about Mr. Brightman's conduct beyond that to which he admitted should not be credited and should be disregarded.

(Dkt. No. 42-1 at 3).

Based on prior discussions with defense counsel, the Government was under the impression that a *Fatico* hearing would not be necessary in this case. After reviewing the objections in the defendant's submission, however, the Government believes that a *Fatico* hearing will be necessary, at which the Government will prove the disputed allegations through victim testimony and other evidence.

Accordingly, the Government respectfully requests that the Court schedule a status conference for next week (or convert the December 20 sentencing proceeding into a status conference) to discuss the defendant's objections and schedule a *Fatico* hearing. The Government respectfully requests that the conference be set for next week so that it has adequate opportunity to obtain the availabilities of the relevant witnesses in advance of the conference. The Government

